

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE  
2004 JUN -7 A 11:54

IN RE VASO ACTIVE PHARMACEUTICALS  
SECURITIES LITIGATION

Civil Action No. 04-10708-RCL  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**MOTION OF PLAINTIFF DAVID B. BRODY,  
AS CO-TRUSTEE OF THE BRODY FAMILY REVOCABLE  
TRUST, FOR APPOINTMENT OF LEAD PLAINTIFF,  
LEAD COUNSEL AND LIAISON COUNSEL**

**PLEASE TAKE NOTICE** that pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), plaintiff David B. Brody, as Co-Trustee of the Brody Family Revocable Trust ("Brody"), will move this Court, at a time and place to be determined later, for an Order:

- (1) appointing Brody as Lead Plaintiff in the above captioned Consolidated Action under Section 21D(a)(3)(B) of the PSLRA; and
- (2) approving Brody's selection of Zwerling, Schachter & Zwerling, LLP as Lead Counsel and Berman DeValerio Pease Tabacco Burt & Pucillo as Liaison Counsel.

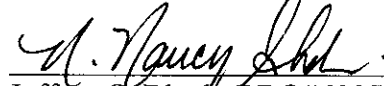
This motion is supported by the accompanying Memorandum of Law in Support of Motion of Plaintiff David B. Brody, as Co-Trustee of the Brody Family Revocable Trust, for Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel; the Affidavit of Richard Speirs in Support of Motion of Plaintiff David B. Brody, as Co-Trustee of the Brody Family Revocable Trust, for Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel, together with the exhibits attached thereto; the [Proposed] Order Appointing Plaintiff David B. Brody, as

Co-Trustee of the Brody Family Revocable Trust, Lead Plaintiff and Approving Lead Plaintiff's Choice of Lead Counsel and Liaison Counsel; all of the prior pleadings and proceedings had herein and such other written and/or oral argument as may be presented to the Court.

Dated: June 7, 2004

Respectfully submitted,

**BERMAN DEVALERIO PEASE  
TABACCO BURT & PUCILLO**



Jeffrey C. Block, BBO#600747  
Michael T. Matraia, BBO#633049  
N. Nancy Ghabai, BBO#645050  
One Liberty Square, 8<sup>th</sup> Floor  
Boston, Massachusetts 02109  
Phone: (617) 542-8300  
Fax: (617) 542-1194

*Proposed Liaison Counsel for the Class*

**ZWERLING, SCHACHTER  
& ZWERLING, LLP**

Richard A. Speirs  
Stephen L. Brodsky  
Shaye J. Fuchs  
845 Third Avenue  
New York, NY 10022  
Phone: (212) 223-3900  
Fax: (212) 371-5969

*Proposed Lead Counsel for the Class*

**BERMAN DeVALERIO PEASE TABACCO BURT & PUCILLO**

ATTORNEYS AT LAW

ONE LIBERTY SQUARE

BOSTON, MA 02109

TEL: (617) 542-8200

FAX: (617) 542-1194

WWW.BERMANESQ.COM

LAW@BERMANESQ.COM

425 CALIFORNIA STREET, SUITE 2100

SAN FRANCISCO, CA 94104

TEL: (415) 433-3200

FAX: (415) 433-6382

515 NORTH FLAGLER DRIVE, SUITE 1701

WEST PALM BEACH, FL 33401

TEL: (561) 835-9400

FAX: (561) 835-0322

June 7, 2004

**BY HAND DELIVERY**

Clerk of the Court  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
Suite 2300  
1 Courthouse Way  
Boston, MA 02210

**Re: In re Vaso Active Pharmaceuticals, Inc.  
04-CV-10708-RCL**

Dear Sir/Madam:

Enclosed for filing please find the following documents:

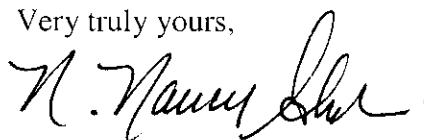
- (1) Motion of Plaintiff David B. Brody, as Co-Trustee of The Brody Family Revocable Trust, for Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel;
- (2) Memorandum of Law in Support of Motion of Plaintiff David B. Brody, as Co-Trustee of The Brody Family Revocable Trust, for Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel;
- (3) Affidavit of Richard A. Speirs in Support of Motion of David B. Brody, as Co-Trustee of The Brody Family Revocable Trust, for Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel;
- (4) [Proposed] Order Appointing Plaintiff David B. Brody, as Co-Trustee of The Brody Family Revocable Trust, Lead Plaintiff and Approving Lead Plaintiff's Choice of Lead Counsel and Liaison Counsel; and
- (5) Certificate of Service.

**BERMAN DEVALERIO PEASE TABACCO BURT & PUCILLO**

Clerk of the Court  
June 7, 2004  
Page 2 of 2

Please date stamp the enclosed copies and return them to the messenger. Thank you for your attention to this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "N. Nancy Ghabai", with a stylized flourish at the end.

N. Nancy Ghabai

Enclosures

cc: Richard A. Speirs, Esq.  
Stephen L. Brodsky, Esq.  
Shaye J. Fuchs, Esq.